

BILL ANALYSIS

VETOED

S.B. 427

Senate Bill Analysis
Senate Jurisprudence Committee
6-5-89
Enrolled

By: Edwards

BACKGROUND

Legislation passed by the 70th Legislature required certain disclosures to the Attorney General by persons or organizations who solicit funds on behalf of law enforcement personnel. This legislation also created offenses and penalties for violations. Concern has been expressed that some of the provisions are either vague or unclear, creating problems of enforceability.

PURPOSE

As proposed, S.B. 427 would clarify certain provisions and add language requiring that additional solicitation information be disclosed.

EFFECT ON CURRENT LAW

Amends Article 9023a, V.T.C.S.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 9023a, V.T.C.S., by amending Sections 1 and 2, as follows:

Sec. 1. (a) Defines "solicitor," and "law enforcement organization."

(b) Requires a law enforcement organization to report to the attorney general annually regarding solicitations. Sets forth required information for public disclosures.

(c) Requires a solicitor to notify the person solicited that the person may contact the Attorney General to examine the information required to be disclosed by this Act.

(d) Prohibits the solicitor from making false or misleading statements during the solicitation about the use of the proceeds.

(e) Provides for the filing of the public disclosure report.

Sec. 2. (b) Provides that an offense is a Class B misdemeanor, except during the trial of the offense it is shown that the defendant has been previously convicted, it becomes a Class A misdemeanor.

(c) Allows a corporation or association to be held criminally responsible for conduct of a person acting on its behalf if the conduct is an offense under this Act.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1989.

SECTION 4. Emergency clause.